

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

PETER MAGGIO, et al,

CR. NO. 04-10231-MLW

**DEFENDANT LOUIS PARADISO'S MOTION *IN LIMINE*
TO EXCLUDE ALL SUMMARY CHARTS**

Defendant Louis A. Paradiso moves this Court, pursuant to F.R.E. 403 and 802, to prohibit the use of summary charts by the government. Such charts are hearsay and highly prejudicial, as they wrongly imply the government has some special knowledge of what actually occurred (as well as wrongly vouching for the information contained in the charts).

The Ninth Circuit Court of Appeals in United States v. Abbas, 504 F.2d 123, 125 (9th Cir. 1974), citing Lloyd v. United States, 226 F.2d 9, 17 (5th Cir. 1955), noted that summary charts "should not be encumbered by such impressive, conclusionary captions...The use of this type evidence...has inherent dangers to an accused, for a jury is often unfairly and unduly impressed by the apparent authenticity of a government witness' chart computations, as such, rather than by the truth and accuracy of the underlying facts and figures supporting them."

WHEREFORE, the defendant respectfully moves this Honorable Court to exclude all summary charts.

Respectfully submitted
By Defendant,
LOUIS A. PARADISO
By his attorney

/s/ Scott P. Lopez

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CERTIFICATE OF SERVICE

I, Scott P. Lopez, hereby certify that on the 20th day of April, 2006, I served the within DEFENDANT LOUIS PARADISO'S MOTION *IN LIMINE* TO EXCLUDE ALL SUMMARY CHARTS by electronic mail on the following counsel of record at the following address:

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/s/ Scott P. Lopez

Scott P. Lopez